IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Anthony James Moore,	)	
	)	
Plaintiff,	)	**ORDER ADOPTING**
	)	**REPORT AND RECOMMENDATION**
vs.	)	
	)	
Timothy Schuetzle, in his individual and	)	
official capacities,	)	Case No. 1:06-cv-079
	)	
Defendants.	)	

The plaintiff, Anthony James Moore, filed a motion to amend the amended complaint to include additional claims against defendant Timothy Schuetzle and also to add a new party, the United States Postal Service. Moore contends that Schuetzle and the United States Postal Service wrongly opened and viewed his legal or privileged mail on three occasions. Magistrate Judge Charles S. Miller, Jr. conducted an initial review of Moore's amended complaint as mandated by 28 U.S.C. § 1915A, and, on December 14, 2006, submitted a Report and Recommendation. Judge Miller recommended that Moore's request to add the United States Postal Service as an additional defendant be denied on the grounds of frivolousness in that his claims against the United States Postal Service are obviously fanciful, fantastic, or delusional, but that this denial be without prejudice to Moore filing a paid complaint against the United States Postal Service. See Docket No. 26. Moore filed an objection to the Report and Recommendation asserting that all of his claims should go forward. See Docket No. 32.

The Court has carefully reviewed the Report and Recommendation, relevant case law, Moore's objection, and the entire record and finds the Report and Recommendation to be persuasive. The Court **ADOPTS** the Report and Recommendation (Docket No. 26) in its entirety. The Court **ORDERS** that Moore's request to add the United States Postal Service as an additional party

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defendant be denied upon the grounds of frivolousness, but that this denial be without prejudice to

Moore filing a paid complaint against the United States Postal Service.

IT IS SO ORDERED.

Dated this 20th day of December, 2006.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court